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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,754

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EXAMINER

TOLENTINO, RODERICK

ART UNIT

PAPER NUMBER

2439

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/602,754	Applicant(s) BROWN ET AL.	
	Examiner RODERICK TOLENTINO	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 21 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/09/2011 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1 – 3, 7 – 15 and 19 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Watson et al. U.S. Patent No. (7,565,678).

5. As per claims 1 and 11, Watson discloses a service provider selectively accessible via a network by a plurality of end users each having an access device for accessing the network (Watson, Col. 2 Lines 31 – 40, service provider connected via a network to at least one STB), and a control mechanism disposed at a location of the service provider which accesses each of the access devices to modify stored information on a corresponding access device of a corresponding end users and thereby remotely to designate portions of the information as service provider accessible only to prevent access designated information by the corresponding end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

6. As per claims 2 and 12, Watson discloses wherein the control mechanism can determine if an end user has accessed the service provider only accessible portions of the information (Watson, Col. 6 Lines 9 – 21, service provider detects unauthorized modifications to the STB).

7. As per claims 3, Watson discloses wherein the stored information includes a configuration file for the access device (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB).

8. As per claims 7, Watson discloses wherein service provider includes security levels for the information to prevent access thereof by the end users (Watson, Col. 5

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Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

9. As per claims 8, Watson discloses wherein the security levels are associated with the designated portions at or before initializing the access devices (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

10. As per claims 9, Watson discloses wherein the security levels are associated with the designated portions after initializing the access devices (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

11. As per claims 10, Watson discloses wherein the control mechanism includes a software program for accessing and modifying the information of the access devices and designating portions thereof to prevent access by the end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

12. As per claims 13, Watson discloses wherein the step of providing the control mechanism includes providing a software program for accessing and modifying the information of the access devices and designating portions thereof to prevent access by

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the end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB, i.e. configuration file).

13. As per claims 14, Watson discloses wherein the step of remotely accessing and modifying the end user network devices includes remotely accessing the end user devices from a service provider's location (Watson, Col. 2 Lines 31 – 40, service provider remotely connected via a network to at least one STB),

14. As per claims 15, Watson discloses wherein the information stored on the network access devices includes a configuration file for the access device (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB, i.e. configuration file).

15. As per claims 19, Watson discloses the step of assigning security for the stored information to prevent access thereof by the end users (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

16. As per claims 20, Watson discloses wherein the security levels are associated with the designated portions at or before initializing the access devices (Watson, Col. 5 Line 59 – Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

17. As per claims 21, Watson discloses wherein the security levels are associated with the designated portions after initializing the access devices (Watson, Col. 5 Line 59

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– Col. 6 Line 3, service provider has access to the STB and the configuration of the STB which relates to the users level of content, thus saying the provider has access to the change the configuration of a users STB if needed).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4 – 6 and 16 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson et al. U.S. Patent No. (7,565,678) in view of Benhammou et al. U.S. Patent No. (5,991,519).

20. As per claim 4, Watson fails to teach wherein service provider includes a security code for the designated portions to prevent access thereof by the end users. However, in an analogous art Benhammou teaches wherein service provider includes a security code for the designated portions to prevent access thereof by the end users (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

21. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Benhammou's secure memory having multiple security

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levels with Watson's devices for discouraging unauthorized modifications to set top boxes because it offers the advantage of preventing access to secured memories (Benhammou, Col. 2 Lines 24 – 45).

22. As per claim 5, Watson as modified teaches wherein the security code is associated with the designated portions at or before initializing the access devices (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

23. As per claim 6, Watson as modified teaches wherein the security code is associated with the designated portions after initializing the access devices (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

24. As per claim 16, Watson as modified teaches wherein the step of preventing the end user from accessing the designated information includes employing a security code for the designated portions to prevent access thereof by the end users (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

25. As per claim 17, Watson as modified teaches wherein the security code is associated with the designated portions at or before initializing the access devices.

26. As per claim 18, Watson as modified teaches wherein the security code is associated with the designated portions after initializing the access devices (Benhammou, Col. 2 Lines 24 – 45, security code preventing access to a secured memory).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RODERICK TOLENTINO whose telephone number is (571)272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roderick Tolentino
Examiner
Art Unit 2439

/R. T./
Examiner, Art Unit 2439

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